

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 32872 of 2006(L)

PETITIONER:

THE DEVIKULAM TALUK PLANTATION WORKERS
CO-OPERATIVE CREDIT SOCIETY LTD.NO.K-382,
REPRESENTED BY ITS SECRETARY,
MUNNAR P.O., IDUKKI DISTRICT.

BY ADV. SRI.JOICE GEORGE

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
TRIVANDRUM.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
KERALA, OFFICE OF THE REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.
3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), OFFICER OF THE JOINT
REGISTRAR OF CO-OPERATIVE SOCIETIES,
PINAVU P.O., IDUKKI DISTRICT.
4. THE ASST. REGISTRAR OF CO-OPERATIVE
SOCIETY (GENERAL), DEVIKULAM, MUNNAR P.O.,
IDUKKI DISTRICT.

BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.M.JAMES, J.

W.P.(C). 32872/2006

Dated this the 11th day of December, 2006

JUDGMENT

The writ petitioner, Devikulam Taluk Plantation Workers Co-operative Credit Society Limited No.K-382, had requested for amendment of its bye-laws. Therefore, the writ petitioner had approached the Joint Registrar, the third respondent, as per the provisions contained under Rule 9 of the Kerala Co-operative Societies Rules, 1969, in short 'the Rules'.

2. The learned counsel appearing for the writ petitioner brought to my notice, the report dated 24.5.2006 of the fourth respondent, Assistant Registrar of Co-operative Society (General), in which he had reported that all the requirements of Rule 9(3) of the Rules had been complied with, by the writ petitioner.

3. The learned Government Pleader however, submits that there had been a complaint to the effect that no general body, as contemplated under rule 9(3)(a) of the

Rules had been complied with and, therefore, amendment of the bye-laws could not be ordered to.

4. Section 12(4B) of the Kerala Co-operative Societies Act, 1969, in short 'the Act' lays down that if an application to register an amendment of the bye-laws of a society is not disposed of within the time specified in sub-section (4A), the Society may make a representation; (a). before the Registrar and then, (b). before the Government.

5. In the case at hand, the Joint Registrar was approached for registering the amendment of the bye-laws, under Section 3(2) of the Act. A representation was given to the Registrar, as Joint Registrar did not register the amendment of the bye-laws, proposed by the writ petitioner, Society. The said representation is also pending with the Registrar.

6. I am not satisfied with the submission of the learned Government Pleader. In the meanwhile, there is a complaint also and the same is being enquired into. Even if there is such a complaint and an enquiry is

being proceeded with, the Registrar has to give a reply to the writ petitioner, as per Sub-Section (4B) of Section 12 of the Act. The grievance of the writ petitioner is that no reply had been given and the registration is also pending.

7. In the above facts situation, I direct the second respondent, the Registrar of Co-operative Societies, Kerala, Thiruvananthapuram, to consider Ext.P6 representation dated 11.9.2006 of the writ petitioner, Society, and dispose of the same within two weeks from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

**J.M.JAMES
JUDGE**

mrCS